

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 615

EXISTING ACTIVITIES IN A SETBACK ZONE OR REGULATED RECHARGE AREA

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AUTHORITY: Implementing and authorized by Sections 5, 14.4, 21, 22, and 27 of the Environmental Protection Act [415 ILCS 5/5, 14.4, 21, 22, and 27].

SOURCE: Adopted in R89-5 at 16 Ill. Reg. 1538, effective January 10, 1992; amended in R92-20 at 17 Ill. Reg. 1871, effective January 28, 1993; amended in R96-18 at 21 Ill. Reg. 6503, effective May 8, 1997; amended in R18-26 at 47 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 615.101 Purpose

This Part ~~specifies the~~~~prescribes~~ requirements and standards for the protection of groundwater

for certain types of existing facilities or units located wholly or partially within a setback zone regulated by the Act or within a regulated recharge area ~~under as delineated pursuant to~~ Section 17.4 of the Act and 35 Ill. Adm. Code 617.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.102 Definitions

Except as stated in this Section, and unless a different meaning of a word or term is clear from the context, the definitions of words or terms in this Part ~~are~~shall be the same as those used in the Act or the Illinois Groundwater Protection Act [415 ILCS 55]:

"Above-ground storage tank" means a storage tank that is not an underground storage tank.

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"Certification" means a statement of professional opinion based upon knowledge and belief.

"Community Water Supply" means *a public supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents.* [415 ILCS 5/3.145]~~(Section 3.05 of the Act)~~

"Compliance point" means any point in groundwater designated at 35 Ill. Adm. Code 620.Subpart B as a Class I through III groundwater at which a contaminant released from the unit could pass underneath the unit boundary. There may be more than one compliance point for a particular unit.

"Commencement of construction" means that *all necessary federal, State, and local approvals have been obtained, and work at the site has been initiated and proceeds in a reasonably continuous manner to completion.* [415 ILCS 5/3.50]~~(Section 3.58 of the Act)~~

"Container" means any portable device (including, ~~but not limited to,~~ 55-gallon drums) in which material is stored, treated, disposed of, or otherwise handled. The term "container" does not include a vehicle used to transport material.

"Containerized" means being in a container.

"Contaminant" ~~means~~ *is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.* [\[415 ILCS 5/3.165\]](#) ~~(Section 3.06 of the Act)~~

"Contamination" or "contaminate", *when used in connection with groundwater, means water pollution of such groundwater.* [\[415 ILCS 5/3.170\]](#) ~~(Section 3.63 of the Act)~~

"Date of first applicability" means [January 10, 1992](#), ~~the effective date of this Part~~ for any unit located within a minimum setback zone, except that:

If a unit is first incorporated into any setback zone by an ordinance or regulation that establishes a maximum setback zone, the date of first applicability is [January 10, 1992](#), ~~the effective date of this Part~~ or the effective date of the ordinance or regulation that establishes the maximum setback zone, whichever is later; or

If a unit is located in a part of a regulated recharge area that was not previously part of a setback zone, the date of first applicability is the effective date of the regulation that establishes the regulated recharge area.

"De-Icing agent" means a chemical used for de-icing, including ~~but not limited to~~ sodium chloride and calcium chloride. Sand, ashes, or other abrasive materials that do not alter the freezing point of water are not de-icing agents.

"Detection" means the identification of a contaminant in a sample at a value equal to or greater than the:

"Method Detection Limit" or "MDL", which means the minimum [measured](#) concentration of a substance that can be ~~measured as~~ reported with 99 percent confidence that the [measured concentration is distinguishable from the method blank results under 40 CFR 136, Appendix B](#), ~~true value is greater than zero pursuant to 56 Fed. Reg. 3526-3397~~ incorporated by reference at Section 615.103; or

"Method Quantitation Limit" or "MQL", which means the minimum concentration of a substance that can be measured and reported [according](#) ~~pursuant~~ to "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", incorporated by reference at Section 615.103.

"Dike" means an embankment or ridge of either natural or manmade materials

used to prevent the movement of liquids, sludges, solids, or other materials.

"Discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of any material onto or on any land or water.

"Disposal" means *the discharge, deposit, injection, dumping, spillage, leaking, or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.* [\[415 ILCS 5/3.185\]](#) ~~(Section 3.08 of the Act)~~

"Existing unit" means a unit that was in operation or for which there is commencement of construction on or before the date of first applicability, except that a unit is not an existing unit if the unit:

Expands laterally beyond the currently permitted boundary, or the unit boundary if the unit is not permitted, in existence after the date of first applicability; or

Is part of a facility that undergoes major reconstruction after the date of first applicability; or

Reopens at any time after having submitted a certification of closure to the Agency.

"Facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for the treating, storing, handling, or disposal of any material which causes that unit to be regulated under this Part. A facility may consist of one or more units.

"Freeboard" means the vertical distance between the top of a tank or dike and the surface of the material contained therein.

"Free liquids" means liquids ~~that~~^{which} readily separate from the solid portion of a waste under ambient temperature and pressure. To demonstrate the absence or presence of free liquids in either ~~a~~-containerized or ~~a~~-bulk waste, the following test must be used: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" ~~(EPA Publication No. SW-846)~~, incorporated by reference at Section 615.103.

"Groundwater" means *underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or*

greater than atmospheric pressure. [\[415 ILCS 5/3.210\]](#)~~(Section 3.64 of the Act)~~

"Groundwater standards" means the water quality standards for groundwater adopted by the Board under Section 8 of the Illinois Groundwater Protection Act [415 ILCS 55] and found at 35 Ill. Adm. Code 620.

"Hazardous waste" means *a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations.* [\[415 ILCS 5/3.220\]](#)~~35 Ill. Adm. Code 721. (Section 3.15 of the Act)~~

"Incompatible material" means a material ~~that~~which may:

Cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

When commingled with another material, produces heat or pressure, fire, explosion, violent reaction, toxic dusts, mists, fumes or gases, or flammable fumes or gases.

"Landfill" means a unit or part of a facility in or on which waste is placed and accumulated over time for disposal, and which is not a land application unit, a surface impoundment, or an underground injection well.

"Landscape waste" means *all accumulations of grass or shrubbery cuttings, leaves, tree limbs, and other materials accumulated as the result of the care of lawns, shrubbery, vines, and trees.* [\[415 ILCS 5/3.270\]](#)~~(Section 3.20 of the Act)~~

"Land application unit" means an area where wastes are agronomically spread over or disked into land or otherwise applied so as to become incorporated into the soil surface.

"Land treatment" means the application of waste onto or incorporation of waste into the soil surface. For the purposes of this Part, a land application unit is a land treatment unit.

"Leachate" means any liquid, including suspended components in the liquid, that

has percolated through or drained from a material.

"Licensed water well contractor" means a person licensed under the Water Well and Pump Installation Contractor's License Act [225 ILCS 345].

"Liner" means a continuous layer of natural or manmade materials beneath or on the side of a surface impoundment, landfill, landfill cell, waste pile, or storage pile ~~that~~^{which} restricts the downward or lateral escape of waste, waste constituents, leachate, or stored materials.

"Major reconstruction" means commencement of construction at a facility where the fixed capital cost of the new components constructed within ~~two years~~^{a 2-year period} exceeds 50% of the fixed capital cost of a comparable entirely new facility. New components do not include any new components necessary for compliance with this Part.

"New unit" means a unit that is not an existing unit.

"Non-community water supply" means *a public water supply that is not a community water supply.* [415 ILCS 5/3.145] ~~(Section 3.05 of the Act)~~

"Non-special waste" means a waste that is not a special waste.

"Off-site" means not on-site.

"On-site", "on the site", or "on the same site" means the same or geographically contiguous property which may be divided by public or private right-of-way ~~if~~^{provided} the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way ~~controlled by that person~~^{which he controls} and to which the public does not have access ~~are~~^{is} also considered on-site property.

"Operator" means the person responsible for the operation of a site, facility, or unit.

"Owner" means the person who owns a site, facility, or unit or part of a site, facility, or unit, or who owns the land on which the site, facility, or unit is located.

"Pesticide" means *any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.* [415 ILCS 5/3.320] ~~(Section 3.71 of of the Act)~~

"Pile" means any noncontainerized accumulation of solid, non-flowing material that is used for treatment, storage, or disposal.

"Potable" means *generally fit for human consumption in accordance with accepted water supply principles and practices.* [\[415 ILCS 5/3.340\]](#) ~~(Section 3.65 of the Act)~~

"Practical Quantitation Limit" or "PQL" means the lowest concentration or level that can be reliably measured within specified limits of precision and accuracy during routine laboratory operating conditions in ~~compliance~~ *accordance* with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," ~~EPA Publication SW-846~~, incorporated by reference at Section 615.103.

"Public water supply" means *all mains, pipes, and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks, and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply".* [\[415 ILCS 5/3.365\]](#) ~~(Section 3.28 of the Act)~~

"Reactive material" means a material ~~that~~ *which* meets one or more of the following criteria:

It is normally unstable and readily undergoes violent change without detonating;

It reacts violently with water;

It forms potentially explosive mixtures with water;

When mixed with water, it generates toxic gases, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment;

It is capable of detonation or explosive reaction if it is subject to a strong initiating source, or if heated under confinement;

It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure; or

It is a forbidden explosive as defined in 49 CFR 173 incorporated by reference at Section 615.103, ~~or~~ a Class A explosive as defined in 49 CFR 173.53, or a Class B explosive as defined in 49 CFR 173.88.

"Registered land surveyor" means a person registered under the Illinois Professional Land Surveyors Act of 1989 [225 ILCS 330].

"Registered professional engineer" means a person registered under the Professional Engineering Practice Act of 1989 [225 ILCS 325].

"Regulated recharge area" means *a compact geographic area, as determined by the ~~Board~~ pursuant to Section 17.4 of the Act, the geology of which renders a potable resource groundwater particularly susceptible to contamination.* [415 ILCS 5/3.390] ~~(Section 3.67 of the Act)~~

"Road oil" means slow-curing asphaltic oils ~~that~~ ~~which~~ show no separation on standing and ~~which~~ are used for road construction, maintenance, or repair.

"Runoff" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

"Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

"Secondary containment structure" means any structure or basin intended to contain spills and prevent runoff or leaching from piles, containers, or tanks and related piping.

"Setback zone" means *a geographic area, designated pursuant to this Act, containing a potable water supply well or a potential source or potential route having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwaters.* [415 ILCS 5/3.450] ~~(Section 3.61 of the Act)~~

"Site" means *any location, place, tract of land, and facilities, including ~~but not limited to~~ buildings, and improvements used for purposes subject to regulation or control by this Act or regulations thereunder.* [415 ILCS 5/3.460] ~~(Section 3.43 of the Act)~~

"Sludge" means *any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effects.* [415 ILCS 5/3.465] ~~(Section 3.44 of the Act)~~

"Special waste" means *any industrial process waste, pollution control waste or hazardous waste, except as determined pursuant to Section 22.9 of the Act and 35 Ill. Adm. Code 808. (Section 3.45 of the Act)*

"Storage" means the holding or containment of a material, either temporarily or for on a temporary basis or for a period of years, in asuch manner as not to constitute disposal of thesuch material.

"Surface impoundment" means a natural topographical depression, man-made excavation, or diked area that is designed to hold liquid wastes or wastes containing free liquids.

"Surface water" means all waters that are open to the atmosphere.

"Tank" means a stationary device, designed to contain an accumulation of material thatwhich is constructed of non-earthen materials (e.g., wood, concrete, steel, plastic) thatwhich provide structural support. The term "tank" does not include areas used to accumulate materials beforeprior to pumping to tanks or containers (e.g. i.e., sump pits) or associated piping. The term "tank" does not include vehicles used to transport material.

"Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material so as to neutralize such material, or so as to recover energy or material resources from the material or so as to render such material nonhazardous or less hazardous, safer to transport, store or dispose of, or amenable for recovery, amenable for storage or reduced in volume.

"Underground storage tank" means a storage tank as defined at 35 Ill. Adm. Code 731.101(f).

"Unit" means *any device, mechanism, equipment, or area (exclusive of land utilized only for agricultural production). This term includes secondary containment structures and their contents at agrichemical facilities. [415 ILCS 5/3.465] (Section 3.62 of the Act)*

"Unit boundary" means a line at the land's surface circumscribing the area on which, above which, or below which waste, pesticides, fertilizers, road oils, or de-icing agents will be placed during the active life of the facility. The space taken up by any liner, dike, or other barrier designed to contain waste, pesticides, fertilizers, road oils, or de-icing agents falls within the unit boundary.

"Waste" means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include: [\[415 ILCS 5/3.535\]](#)

industrial discharges with NPDES permits issued pursuant to 35 Ill. Adm. Code 309;

source, spent nuclear, or by-product materials as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014);

any solid or dissolved material from any material subject to 62 Ill. Adm. Code 1700 through 1850. (Section 3.53 of the Act)

"Waste pile" means a pile consisting of waste that has a total volume greater than 10 cubic yards or within which the waste remains for more than 90 days.

"Waters" means all accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof, which are wholly or partly within, flow through, or border upon this state. [\[415 ILCS 5/3.550\]](#) ~~(Section 3.56 of the Act)~~

"Well" means a bored, drilled, or driven shaft, or dug hole, the depth of which is greater than the largest surface dimension. [\[415 ILCS 5/3.555\]](#) ~~(Section 3.57 of the Act)~~

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.103 Incorporations by Reference

a) The Board incorporates the following material by reference:

[CFR \(Code of Federal Regulations\). Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-783-3238. GPO. Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, \(202\)783-3238:](#)

[Method Detection Limit Definition, appendix B to Part 136, 40 CFR 136 \(2017\).](#)

[49 CFR 173 \(2017\).](#)

~~National Primary Drinking Water Regulations, Final Rule, 56 Fed. Reg. 3526-3597 (January 30, 1991). Shippers—General Requirements for Shipments and Packagings, 49 CFR 173 (1990).~~

NTIS. National Technical Information Service, 5301 Shawnee Road, Alexandria VA 22312~~5285 Port Royal Road, Springfield VA 22161, 703-605-6000(703)487-4600.~~

"Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", EPA Publication No. SW-846, as amended by Updates I, II, IIA, IIB, III, IIIA, and IIIB I, (Third Edition, 1986, as amended by Revision I (December 1987), Doc. No. 55-001-00000-1) (available online).~~PB-89-148076).~~

b) This Section incorporates no later amendments or editions.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.104 Prohibitions

~~A~~No person ~~must not~~shall cause or allow the construction or operation of any facility or unit in violation of the Act or regulations adopted by the Board thereunder, including ~~but not limited to~~ this Part.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.105 General Exceptions

a) This Part does not apply to any facility or unit, or to the owner or operator of any facility or unit:

- 1) For which the owner or operator obtains certification of minimal hazard under~~pursuant to~~ Section 14.5 of the Act; or
- 2) For which alternate requirements are imposed in an adjusted standard proceeding or as part of a site-specific rulemaking, under~~pursuant to~~ Title VII of the Act; or
- 3) For which alternate requirements are imposed in a regulated recharge area proceeding under~~pursuant to~~ Section 17.4 of the Act; or
- 4) That is *located on the same site as a non-community water system well*

and for which the owner is the same for both the facility or unit and the well. (Section 14.4(b) of the Act); or

- 5) That is located within a regulated recharge area as delineated in 35 Ill. Adm. Code 617 ~~if, provided that:~~
 - A) The boundary of the lateral area of influence of a community water supply well located within the regulated recharge area does not include such facility or unit therein;
 - B) The distance from the wellhead of the community water supply to the facility or unit exceeds 2500 feet; and
 - C) The community water supply well was not in existence prior to January 1, 1988. [415 ILCS 5/14.4(b)] ~~(Section 14.4(b) of the Act);~~ or
- 6) For which the owner or operator of the facility for storage and related handling of pesticides or fertilizers for the purpose of commercial application or at a central location for the purpose of distribution to retail sales outlets that has filed a written notice of intent ~~underpursuant to~~ Section 14.6 of the Act with the Department of Agriculture by January 1, 1993, or within 6 months after the date on which a maximum setback zone is established or a regulated recharge area regulation is adopted that affects such a facility; or has filed a written certification of intent ~~underpursuant to~~ Section 14.6 of the Act on the appropriate license or renewal application form submitted to the Department of Agriculture or other appropriate agency. [415 ILCS 5/14.6(a)] ~~(Section 14.6(a) of the Act);~~ This exception ~~does~~ shall not apply to those facilities that are not in compliance with the program requirements of subsections 14.6(b) and 14.6(c) of the Act.

- b) Nothing in this Section ~~will~~ shall limit the authority of the Board to impose requirements on any facility or unit within any portion of any setback zone or regulated recharge area ~~underpursuant to~~ the Act.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART B: GROUNDWATER MONITORING REQUIREMENTS

Section 615.202 Compliance Period

The compliance period is the active life of the unit, including closure and post-closure care

periods.

- a) The active life begins when the unit first begins operation or one year after the date of first applicability, whichever occurs later, and ends when the post-closure care period ends.
- b) The post-closure care period for units other than pesticide storage and handling units subject to Subpart I and fertilizer storage and handling units subject to Subpart J is five years after closure, except as provided ~~at~~ in subsection (d) or Section 615.211(e).
- c) The post-closure care period for pesticide storage and handling units subject to Subpart I and for fertilizer storage and handling units subject to Subpart J is three years after closure, except as provided in ~~at~~ Section 615.211(e).
- d) Despite subsections ~~Subsections~~ (a), (b), and (c) ~~notwithstanding~~, no post-closure care period is required if all waste, waste residues, contaminated containment system components, and contaminated subsoils are removed or decontaminated at closure, and no ongoing corrective action is required under ~~pursuant to~~ Section 615.211.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.203 Compliance with Groundwater Standards

The owner or operator must ~~shall~~ comply with the groundwater standards.

- a) The term of compliance is the compliance period.
- b) Compliance must ~~shall~~ be measured at the compliance point, or compliance points if more than one such point exists.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.204 Groundwater Monitoring System

- a) Except as provided otherwise in subsection (b) ~~of this Section~~, the groundwater monitoring system must consist of a sufficient number of wells, installed at appropriate locations and depths to yield groundwater samples, that:
 - 1) Represent the quality of background water that has not been affected by contamination from the facility or unit; and

2) Represent the quality of groundwater at the compliance point or points.

b) If a potable water well or other water well can be used as a monitoring well ~~under~~^{pursuant to} this subsection, no additional monitoring wells are required under this Section. A potable water well or other water well may be used as a monitoring well if:

1) For a potable water well other than a community water supply well, a construction report has been filed with the Illinois Department of Public Health for such well, or such well has been located and constructed (or reconstructed) to meet the Illinois Water Well Construction Code [415 ILCS 30] and 35 Ill. Adm. Code 920;

2) For a potable water supply well that was constructed before August 20, 1965, the enactment of the Illinois Water Well Construction Code [415 ILCS 30], and meets all of the following criteria:

A) Construction must be done in a manner that will enable the collection of groundwater samples that represent in situ groundwater conditions;

B) Casings and screens must be made from durable material resistant to expected chemical or physical degradation that does not interfere with the quality of groundwater samples being collected; and

C) The annular space opposite the screened section of the well (i.e., the space between the bore hole and well screen) must be filled with gravel or sand if necessary to collect groundwater samples. The annular space above and below the well screen must be sealed to prevent migration of water from adjacent formations and the surface to the sampled depth.

32) For a water well other than a potable water well (e.g., a livestock watering well or an irrigation well), the owner or operator of the unit seeking to use the well as a monitoring well certifies to the Agency that a construction report has been filed with the Illinois Department of Public Health or the Illinois Department of Mines and Minerals for such well, or that such well has been located and constructed (or reconstructed) to meet the Illinois Water Well Construction Code [415 ILCS 30] and 35 Ill. Adm. Code 920; and

43) The unit contains solely non-special waste if the unit is a surface impoundment.

- 689
- 690 c) ~~When~~^{If} a facility contains more than one unit, separate groundwater monitoring
- 691 systems are not required for each unit ~~if, provided that~~ provisions for sampling the
- 692 groundwater will enable detection and measurement of contaminants that have
- 693 entered the groundwater from all units.
- 694
- 695 d) All monitoring wells must meet the following requirements:
- 696
- 697 1) Construction must be done in a manner that will enable the collection of
- 698 groundwater samples;
- 699
- 700 2) Casings and screens must be made from durable material that is resistant
- 701 to expected chemical or physical degradation and that does not interfere
- 702 with the quality of groundwater samples being collected; and
- 703
- 704 3) The annular space opposite the screened section of the well (i.e., the space
- 705 between the bore hole and well screen) must be filled with gravel or sand
- 706 if necessary to collect groundwater samples. The annular space above and
- 707 below the well screen must be sealed to prevent migration of water from
- 708 overlying adjacent formations and the surface to the sampled depth.
- 709

710 (Source: Amended at 47 Ill. Reg. _____, effective _____)

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712 **Section 615.205 Groundwater Monitoring Program**

713

714 The owner or operator ~~must~~^{shall} develop a groundwater monitoring program that consists of:

715

- 716 a) Consistent sampling and analysis procedures that are designed to ensure
- 717 monitoring results that provide a reliable indication of groundwater quality below
- 718 the unit. At a minimum, the program must include procedures and techniques for:
- 719
- 720 1) Sample collection;
- 721
- 722 2) Sample preservation and shipment;
- 723
- 724 3) Analytical procedures; and
- 725
- 726 4) Chain of custody control.
- 727
- 728 b) Sampling and analytical methods that are appropriate for groundwater monitoring
- 729 and that allow for detection and quantification of contaminants specified in this
- 730 Subpart, and that are consistent with the sampling and analytical methods
- 731 specified in 35 Ill. Adm. Code 620.

- 732
- 733 c) A determination of the groundwater head elevation each time groundwater is
- 734 sampled. A determination of the groundwater head elevation is not required for
- 735 samples taken from a potable well used as a monitoring well ~~under~~pursuant to
- 736 Section 615.204(b).
- 737
- 738 d) A determination at least annually of the groundwater flow rate and direction.
- 739
- 740 e) If the owner or operator determines that the groundwater monitoring program no
- 741 longer satisfies the requirements of this Section, the owner or operator ~~must~~shall,
- 742 within 90 days, make appropriate changes to the program and ~~must~~shall notify the
- 743 Agency of ~~the~~such changes when submitting the groundwater monitoring reports
- 744 under Section 615.208.
- 745

746 (Source: Amended at 47 Ill. Reg. _____, effective _____)

747

748 **Section 615.206 Contaminants to be Monitored**

749

- 750 a) The owner or operator ~~must~~shall monitor for all ~~constituents~~parameters that meet
- 751 the following criteria, except as provided in subsections (b) and (c):
- 752
- 753 1) Material containing ~~the constituents~~such parameter is stored, disposed of,
- 754 or otherwise handled at the site; and
- 755
- 756 2) There is a groundwater standard for ~~the constituents~~such parameter.
- 757
- 758 b) The owner or operator of a unit subject to Subpart I for the storage and handling
- 759 of pesticides ~~must~~shall monitor for five specific pesticides or five groups of
- 760 chemically-similar pesticides stored or handled at the unit that are the most likely
- 761 to enter into the groundwater from the unit and that are the most toxic. The owner
- 762 or operator ~~must~~shall choose the five specific pesticides or five groups based upon
- 763 the following criteria:
- 764
- 765 1) The volume of material stored or handled at the unit;
- 766
- 767 2) The leachability characteristics of the pesticides stored or handled at the
- 768 unit;
- 769
- 770 3) The toxicity characteristics of the pesticides stored or handled at the unit;
- 771
- 772 4) The history of spillage of the pesticides stored or handled at the unit; and
- 773
- 774 5) Any groundwater standards for the pesticides stored or handled at the unit.

- c) The owner or operator of a unit subject to Subpart J for the storage and handling of fertilizers ~~must~~shall monitor for pH, specific conductance, total organic carbon, nitrates as nitrogen, and ammonia nitrogen.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.207 Sampling Frequency

- a) The owner or operator ~~must~~shall determine whether groundwater standards have been exceeded at each monitoring well at least quarterly during the compliance period, except as provided otherwise in ~~subsection~~subsections (b) ~~or~~; (c) or Section 615.209(b).
- b) The owner or operator of a unit subject to Subpart I for the storage and handling of pesticides or Subpart J for the storage and handling of fertilizer may substitute the quarterly determination of subsection (a) with a determination at least semi-annually ~~if provided that~~ all of the following conditions are met:
- 1) The unit is in compliance with the containment requirements of 8 Ill. Adm. Code 255;
 - 2) There have been no detections within the preceding two years in any of the monitoring wells of any contaminant stored or handled at the facility or of any contaminant attributable to operation of the unit; and
 - 3) No reportable agrichemical spills, as defined ~~in~~pursuant to 8 Ill. Adm. Code 255, have occurred at the facility within the previous two years.
- c) The owner or operator of a unit subject to Subpart K for the storage and handling of road oils or Subpart L for the storage and handling of de-icing agents ~~must~~shall determine whether groundwater standards have been exceeded at each monitoring well at least annually during the compliance period, except as provided at Section 615.209(b).

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.208 Reporting

The owner or operator ~~must~~shall submit results of all monitoring required ~~under~~pursuant to this Subpart to the Agency within 60 days after completion of sampling.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.209 Non-Compliance Response Program

If monitoring results collected ~~underpursuant to~~ Sections 615.206 and 615.207 show that a groundwater standard has been exceeded, the owner or operator ~~must~~shall:

- a) Notify the Agency of this finding when submitting the groundwater monitoring results required ~~underpursuant to~~ Section 615.208. The notification must indicate which groundwater standards have been exceeded.
- b) Resample the groundwater within 3 days in all monitoring wells where a groundwater standard has been exceeded and redetermine the presence and concentration of each parameter required ~~underpursuant to~~ Section 615.206, except that:
 - 1) If the unit is subject to Subpart I for the storage and related handling of pesticides, resample the groundwater within 3 days in all monitoring wells where a groundwater standard has been exceeded and determine the presence and concentration in each such sample of each pesticide previously and presently stored or handled at the unit.
 - 2) If the unit is subject to Subpart J for the storage and related handling of fertilizers, monitor monthly for the parameters set forth in Section 615.206(c) until the groundwater standard is no longer exceeded.
- c) Submit the results of sampling required under subsection (b) when submitting the groundwater results required ~~underpursuant to~~ Section 615.208.
- d) Prepare an engineering feasibility plan for a corrective action program designed to achieve the requirements of Section 615.211. This plan ~~must~~shall be submitted to the Agency in writing within 120 days after the date on which the sample results are submitted to the Agency ~~underpursuant to~~ subsection (c), unless:
 - 1) None of the parameters identified under subsection (b) exceed the groundwater standards; or
 - 2) The owner or operator makes a demonstration ~~underpursuant to~~ Section 615.210.
- e) Begin the corrective action program specified in subsection (d) within 120 days after the date on which the sample results are submitted to the Agency ~~underpursuant to~~ subsection (c), unless:

- 1) None of the parameters identified under subsection (b) exceed the groundwater standards; or
- 2) The owner or operator makes a demonstration ~~underpursuant to~~ Section 615.210.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.210 Alternate Non-Compliance Response Program

If the groundwater sampling required ~~underpursuant to~~ Section 615.207 shows that a groundwater standard has been exceeded, it is presumed that contamination from the facility or unit that is being monitored is responsible for the standard being exceeded. An owner or operator may overcome that presumption by making a demonstration that a source other than the facility or unit that is being monitored caused the ~~exceedanceexceedence~~ or that the ~~exceedanceexceedence~~ resulted from error in sampling, analysis, or evaluation. In making ~~thesuch~~ demonstration, the owner or operator ~~mustshall~~:

- a) Notify the Agency that the owner or operator intends to make a demonstration under this Section when submitting the groundwater monitoring results required ~~underpursuant to~~ Section 615.208.
- b) Submit a report to the Agency that demonstrates that a source other than a facility or unit ~~owned or operated by for which he is~~ the owner or operator caused the groundwater standard to be exceeded, or that the groundwater standard was exceeded due to an error in sampling, analysis or evaluation. Such report must be included with the next submission of groundwater monitoring results required ~~underpursuant to~~ Section 615.208; and
- c) Continue to monitor in ~~complianceaccordance~~ with the groundwater monitoring program established ~~underpursuant to~~ Sections 615.205, 615.206, and 615.207.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.211 Corrective Action Program

An owner or operator required to conduct a corrective action program ~~underpursuant to~~ this Subpart ~~mustshall~~:

- a) Begin corrective action within 120 days after the date on which the sample results are submitted to the Agency ~~underpursuant to~~ Section 615.209(c).
- b) Take corrective action that results in compliance with the groundwater standards

at the compliance point or points.

- c) Establish and implement a groundwater monitoring program to demonstrate the effectiveness of the corrective action program.
- d) Take corrective action that maintains compliance with the groundwater standards:
 - 1) At all compliance points; and
 - 2) Beyond the unit boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the Agency that, despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. The owner or operator is not relieved of responsibility to clean up a release that has migrated beyond the unit boundary where off-site access is denied.
- e) Continue corrective action measures during the compliance period to the extent necessary to ensure that the groundwater standard is not exceeded at the compliance point or points. If the owner or operator is still conducting corrective action at the end of the compliance period, the owner or operator ~~must~~shall continue that corrective action for as long as necessary to achieve compliance with the groundwater standards. The owner or operator may terminate corrective action measures taken beyond the compliance period if the owner or operator can demonstrate, based on data from the groundwater monitoring program under subsection (c), that the groundwater standards have not been exceeded for a period of three consecutive years.
- f) Report in writing to the Agency on the effectiveness of the corrective action program. The owner or operator ~~must~~shall submit these reports semi-annually.
- g) If the owner or operator determines that the corrective action program no longer satisfies the requirements of this Section, the owner or operator ~~must~~shall, within 90 days, make any appropriate changes to the program.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART C: GENERAL CLOSURE AND POST-CLOSURE REQUIREMENTS

Section 615.302 Closure Performance Standard

The owner or operator ~~must~~shall close the unit in a manner that:

- a) Controls, minimizes, or eliminates, to the extent necessary to protect human health and the environment, post-closure escape of waste, waste constituents, leachate, contaminated runoff, or waste decomposition products to soils, groundwaters, surface waters, and the atmosphere;
- b) Minimizes the need for maintenance during and beyond the post-closure care period; and
- c) Complies with the closure requirements of 35 Ill. Adm. Code: Subtitles C and G.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.303 Certification of Closure

Within 60 days after ~~the completion of~~ closure is complete, the owner or operator ~~must~~shall submit to the Agency, by registered or certified mail, a certification that the unit has been closed in ~~compliance~~accordance with the closure requirements. The certification must be signed by the owner or operator and by an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the Agency upon request.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.304 Survey Plat

- a) ~~Before~~No later than the submission of the certification of closure of each unit, the owner or operator must record with land titles and~~shall~~ submit to the Agency and any local zoning authority, or authority with jurisdiction over local land use, ~~and to the Agency, and record with land titles,~~ a survey plat indicating the location and dimensions of any waste disposal units; and any pesticide or fertilizer storage and handling units; with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a registered land surveyor.
- b) For pesticide storage and handling units or ~~for~~ fertilizer storage and handling units, records or reports required under any other ~~State~~state or ~~federal~~Federal regulatory program and ~~that~~which contain the information required above may be used to satisfy this reporting requirement.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.305 Post-Closure Notice for Waste Disposal Units

Within~~No later than~~ 60 days after certification of closure of the unit, the owner or operator of a

unit subject to Subpart D or F ~~must~~shall submit ~~to~~ the Agency, ~~to~~ the County Recorder, and ~~to~~ any local zoning authority, or authority with jurisdiction over local land use, a record of the type, location and quantity of wastes disposed of within each cell or other area of the unit.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.306 Certification of Completion of Post-Closure Care

~~Within~~No later than 60 days after completion of the established post-closure care period, the owner or operator ~~must~~shall submit to the Agency, by registered or certified mail, a certification that the post-closure care period for the unit was performed in ~~compliance~~accordance with the specifications in the approved post-closure plan. The certification must be signed by the owner or operator and an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the Agency upon request.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART D: ON-SITE LANDFILLS

Section 615.401 Applicability

This Subpart applies to existing landfill units that are located wholly or partially within a setback zone or regulated recharge area and that contain special waste or other waste generated on-site, except that this Subpart does not apply to any existing landfill unit that:

- a) Contains solely one or more of the following: hazardous waste, livestock waste, landscape waste, or construction and demolition debris; or
- b) Is exempt from this Part ~~under~~pursuant to Section 615.105.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.402 Required Closure of Units Located Within Minimum Setback Zones

~~A~~No person ~~must not~~shall cause or allow the operation within a minimum setback zone of any landfill unit ~~after January 10, 1994~~commencing two years after the effective date of this Part. Closure ~~of a landfill unit must be completed within three years~~shall be completed three years after the effective date of this Part.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.403 Required Closure of Units Located Within Maximum Setback Zones

Starting two years after the effective date of the ordinance or regulation that establishes a maximum setback zone, ~~a~~No person must not~~shall~~ cause or allow the operation within the~~a~~ maximum setback zone of any landfill unit at which special waste is disposed of,~~commencing two years after the effective date of the ordinance or regulation that establishes the maximum setback zone.~~ Closure must~~shall~~ be completed within three years after the effective date of the ordinance or regulation that establishes the maximum setback zone.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.404 Required Closure of Units Located Within Regulated Recharge Areas

A~~No~~ person must not~~shall~~ cause or allow the operation within a regulated recharge area of any landfill unit that contains special waste and for which the distance from the wellhead of the community water supply well to any part of the landfill unit is 2500 feet or less. This provision becomes effective four years after the date on which the Board establishes the regulated recharge area. Closure must~~shall~~ be completed within five years after the date on which the Board establishes the regulated recharge area.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART E: ON-SITE LAND TREATMENT UNITS

Section 615.421 Applicability

This Subpart applies to existing land treatment units that are located wholly or partially within a setback zone or regulated recharge area and that treat or dispose of special waste or other waste generated on-site, except that this Subpart does not apply to any existing land treatment unit that:

- a) Contains solely one or more of the following: hazardous waste, livestock waste, landscape waste, or construction and demolition debris; or
- b) Is exempt from this Part under~~pursuant to~~ Section 615.105.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.422 Required Closure of Units Located Within Minimum Setback Zones

A~~No~~ person must not~~shall~~ cause or allow the operation within a minimum setback zone of any land treatment unit after January 10, 1994~~commencing two years after the effective date of this Part.~~ Closure must~~shall~~ be completed by January 10, 1995~~within three years after the effective date of this Part.~~

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.423 Required Closure of Units Located Within Maximum Setback Zones

Starting two years after the effective date of the ordinance or regulation that establishes a maximum setback zone, ~~a~~No person must not~~shall~~ cause or allow the operation within the~~a~~ maximum setback zone of any land treatment unit at which special waste is treated or disposed ~~of, commencing two years after the effective date of the ordinance or regulation that establishes the maximum setback zone.~~ Closure must~~shall~~ be completed within three years after the effective date of the ordinance or regulation that establishes the maximum setback zone.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.424 Land Treatment of Sludges in Maximum Setback Zones

Nothing in this Subpart prohibits~~shall prohibit~~ land treatment within a maximum setback zone of sludge resulting from the treatment of domestic wastewater or of sludge resulting from the treatment of water to produce potable water, if such activities are conducted in compliance~~accordance~~ with the Act and 35 Ill. Adm. Code: Subtitle C.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.425 Closure and Post-Closure Care

The owner or operator must~~shall~~ comply with the requirements of Sections 615.302 and 615.303.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART F: ON-SITE SURFACE IMPOUNDMENTS

Section 615.441 Applicability

This Subpart applies to existing surface impoundment units that are located wholly or partially within a setback zone or regulated recharge area and that contain special waste or other waste generated on-site, except that this Subpart does not apply to any existing surface impoundment unit that:

- a) Contains solely one or more of the following: hazardous waste, livestock waste, landscape waste, or construction and demolition debris; or
- b) Is exempt from this Part under~~pursuant to~~ Section 615.105.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.442 Required Closure of Units Located Within Minimum Setback Zones

~~A~~~~No~~ person ~~must not~~~~shall~~ cause or allow the operation within a minimum setback zone of any surface impoundment unit ~~after January 10, 1994~~~~commencing two years after the effective date of this Part~~. Closure ~~must~~~~shall~~ be completed ~~by January 10, 1995~~~~within three years after the effective date of this Part~~.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.443 Required Closure of Units Located Within Maximum Setback Zones

~~Starting two years after the effective date of the ordinance or regulation that establishes a maximum setback zone, a~~~~No~~ person ~~must not~~~~shall~~ cause or allow the operation within ~~the~~~~a~~ maximum setback zone of any surface impoundment unit at which special waste is stored, treated or disposed ~~of, commencing two years after the effective date of the ordinance or regulation that establishes the maximum setback zone~~. Closure ~~must~~~~shall~~ be completed within three years after the effective date of the ordinance or regulation that establishes the maximum setback zone.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.444 Groundwater Monitoring

The owner or operator ~~of an existing on-site surface impoundment must~~~~shall~~ comply with the requirements of Subpart B.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.445 Inspection Requirements

~~During operation,~~~~While~~ a surface impoundment ~~is in operation, it~~ must be inspected weekly and after storms to detect evidence of any of the following:

- a) Deterioration, malfunctions or improper operation of overtopping control systems;
- b) Sudden drops in the level of the impoundment's contents;
- c) Severe erosion or other signs of deterioration in dikes or other containment devices; or
- d) A leaking dike.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.446 Operating Requirements

- a) ~~A~~No person ~~must not~~shall cause or allow incompatible materials to be placed in the same surface impoundment unit.
- b) A surface impoundment unit must be removed from service in compliance ~~accordance~~ with subsection (c) when:
 - 1) The level of liquids in the unit suddenly drops and the drop is not known to be caused by changes in the flows into or out of the unit; or
 - 2) The dike leaks.
- c) When a surface impoundment unit must be removed from service as required by subsection (b), the owner or operator must~~shall~~:
 - 1) Shut off the flow or stop the addition of wastes into the impoundment unit;
 - 2) Contain any surface leakage that has occurred or is occurring;
 - 3) Stop the leak;
 - 4) Take any other necessary steps to stop or prevent catastrophic failure;
 - 5) If a leak cannot be stopped by any other means, empty the impoundment unit; and
 - 6) Notify the Agency of the removal from service and corrective actions that were taken, such notice to be given within 10 days after the removal from service.
- d) No surface impoundment unit that has been removed from service in compliance ~~accordance~~ with the requirements of this Section may be restored to service unless the portion of the unit that failed has been repaired.
- e) A surface impoundment unit that has been removed from service in compliance ~~accordance~~ with the requirements of this Section and that is not being repaired must be closed in compliance~~accordance~~ with the provisions of Section 615.447.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.447 Closure and Post-Closure Care

- a) If closure is to be by removal, the owner or operator ~~must~~shall remove all waste, all waste residues, contaminated containment system components (~~e.g., liners, liners, etc.~~), contaminated subsoils and structures, and equipment contaminated with waste and leachate; and, if disposed of in the State of Illinois, dispose of them at a disposal site permitted by the Agency under the Act.
- b) If closure is not to be by removal, the owner or operator ~~must~~shall comply with the requirements of Subpart C and ~~must~~shall:
 - 1) Eliminate free liquids by removing liquid wastes or solidifying the remaining wastes and waste residues.
 - 2) Stabilize remaining wastes to a bearing capacity sufficient to support final cover.
 - 3) Cover the surface impoundment unit with a final cover consisting of at least a ~~2-foot-thick~~2-foot thick layer of compacted clay with a permeability of no more than 1×10^{-7} centimeters per second and designed and constructed to:
 - A) Provide long-term minimization of the migration of liquids through the closed impoundment unit;
 - B) Function with minimum maintenance;
 - C) Promote drainage and minimize erosion or abrasion of the final cover; and
 - D) Accommodate settling and subsidence so that the cover's integrity is maintained.
- c) If some waste residues or contaminated materials are left in place at final closure, the owner or operator ~~must~~shall comply with the requirements of Subpart C and ~~must~~shall:
 - 1) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;
 - 2) Maintain and monitor the groundwater monitoring system; and

- 3) Prevent run-on and run-off from eroding or otherwise damaging the final cover.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART G: ON-SITE WASTE PILES

Section 615.461 Applicability

This Subpart applies to existing waste piles that are located wholly or partially within a setback zone or regulated recharge area and that contain special waste or other waste generated on-site, except that this Subpart does not apply to any existing waste pile that:

- a) Contains solely one or more of the following: hazardous waste, livestock waste, landscape waste, or construction and demolition debris;
- b) Consists of sludge resulting from the treatment of wastewater from a Publicly Owned Treatment Works (POTW) and the sludge pile is situated on an underdrained pavement and operated in ~~compliance~~accordance with the Act, 35 Ill. Adm. Code: Subtitle C and 35 Ill. Adm. Code: Subtitle G; or
- c) Is exempt from this Part ~~under~~pursuant to Section 615.105.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.462 Required Closure

A waste pile is ~~considered~~deemed to be a landfill and thereby subject to the closure requirements of Subpart D unless the operator can demonstrate to the Agency that the wastes are not accumulated over time for disposal. At the minimum, such demonstration ~~must~~shall include photographs, records, or other observable or discernable information, maintained on a yearly basis, that show that within the preceding year the waste has been removed for utilization or disposed of elsewhere.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.463 Design and Operating Requirements

This Section applies six months after the date of first applicability to~~For~~ a waste pile not subject to Section 615.462,

- a) The owner or operator ~~must~~shall not cause or allow:

- 1) Disposal or storage in the waste pile of liquids or materials containing free liquids; or
 - 2) Migration and runoff of leachate into adjacent soil, surface water, or groundwater.
- b) The waste pile must comply with the following standards:
- 1) The waste pile must be under an impermeable membrane or cover that provides protection from precipitation;
 - 2) The waste pile must be protected from surface water run-on; and
 - 3) The waste pile must be designed and operated to control wind dispersal of waste by a means other than wetting.

⤿ ~~This Section becomes applicable six months after the date of first applicability.~~

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.464 Closure

The owner or operator ~~must~~shall accomplish closure by removing and disposing of all wastes and containment system components (~~e.g., liners~~liners, ~~etc~~). If disposed of in the State of Illinois, the waste and containment system components must be disposed of at a disposal site permitted by the Agency under the Act.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART H: UNDERGROUND STORAGE TANKS

Section 615.501 Applicability

This Subpart applies to existing underground storage tanks that are located wholly or partially within a setback zone or regulated recharge area and that contain special waste, except that this Subpart does not apply to any existing underground storage tank that:

- a) ~~Under~~Pursuant to 35 Ill. Adm. Code 731.110(a) must meet the requirements set forth in 35 Ill. Adm. Code 731, unless ~~the~~such a tank is excluded from those requirements ~~under~~pursuant to 35 Ill. Adm. Code 731.110(b); or
- b) ~~Has~~Must have interim status or a RCRA permit under 35 Ill. Adm. Code: Subtitle

G; or

- c) Is exempt from this Part ~~under~~pursuant to Section 615.105.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.502 Design and Operating Requirements

Owners and operators of existing underground storage tanks that store special waste ~~must~~shall meet the requirements ~~set forth~~ in 35 Ill. Adm. Code 731. Such requirements must be met even if the tanks are excluded from coverage under 35 Ill. Adm. Code 731 by 35 Ill. Adm. Code 731.110(b). The exclusions ~~set forth~~ in 35 Ill. Adm. Code 731.110(b) do not apply to any underground storage tank which stores special waste.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART I: PESTICIDE STORAGE AND HANDLING UNITS

Section 615.601 Applicability

This Subpart applies to any existing unit for the storage and handling of pesticides that is located wholly or partially within a setback zone or regulated recharge area and that:

- a) Is operated for the purpose of commercial application; or
- b) Stores or accumulates pesticides prior to distribution to retail sales outlets, including ~~but not limited to~~ a unit that is a warehouse or bulk terminal.
- c) ~~Despite subsections~~Subsections (a) and (b) ~~notwithstanding~~, this Subpart does not apply to any unit exempt ~~under~~pursuant to Section 615.105.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.602 Groundwater Monitoring

The owner or operator ~~must~~shall comply with the requirements of Subpart B.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.603 Design and Operating Requirements

The owner or operator ~~must~~shall:

- a) Maintain a written record inventorying all pesticides stored or handled at the unit.
- b) At least weekly when pesticides are being stored, inspect storage containers, tanks, vents, valves, and appurtenances for leaks or deterioration caused by corrosion or other factors. If a leak or deterioration is found in any of these devices, the owner or operator must immediately repair or replace the device. The owner or operator ~~must~~shall maintain a written record of all inspections conducted under this Section and of all maintenance relating to leaks and deterioration of these devices.
- c) Store all containers containing pesticides within a pesticide secondary containment structure; if ~~the~~such containers are stored outside of a roofed structure or enclosed warehouse. For the purpose of this subsection, a pesticide secondary containment structure is a structure that complies with the design standards set forth in 8 Ill. Adm. Code 255.
- d) Maintain all written records required under this Section at the site. The owner or operator ~~must~~shall provide any such record to the Agency upon request.

(Board Note: Owners or operators of facilities or units subject to this Part may also be subject to regulations under 8 Ill. Adm. Code 255.)

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.604 Closure and Post-Closure Care

The owner or operator ~~must~~shall comply with the requirements of Subpart C.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART J: FERTILIZER STORAGE AND HANDLING UNITS

Section 615.621 Applicability

This Subpart applies to any existing unit for the storage and handling of fertilizers that is located wholly or partially within a setback zone or regulated recharge area and that:

- a) Is operated for the purpose of commercial application; or
- b) Stores or accumulates fertilizers prior to distribution to retail sales outlets, including ~~but not limited to~~ a unit that is a warehouse or bulk terminal.
- c) ~~Despite subsections~~Subsections (a) and (b) ~~notwithstanding~~, this Subpart does not

apply to any unit exempt ~~under~~pursuant to Section 615.105.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.622 Groundwater Monitoring

The owner or operator ~~must~~shall comply with the requirements of Subpart B.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.623 Design and Operating Requirements

The owner or operator ~~must~~shall:

- a) Maintain a written record inventorying all fertilizers stored or handled at the unit.
- b) At least weekly when fertilizers are being stored, inspect storage containers, tanks, vents, valves, and appurtenances for leaks or deterioration caused by corrosion or other factors. If a leak or deterioration is found in any of these devices, the owner or operator ~~must~~shall immediately repair or replace the device. The owner or operator ~~must~~shall maintain a written record of all inspections conducted under this Section and of all maintenance relating to leaks and deterioration of these devices.
- c) Store all containers containing fertilizers (except anhydrous ammonia) within a fertilizer secondary containment structure, if such containers are stored outside of a roofed structure or enclosed warehouse. For the purpose of this subsection, a fertilizer secondary containment structure is a structure that complies with the design standards set forth in 8 Ill. Adm. Code 255.
- d) Maintain all written records required under this Section at the site. The owner or operator ~~must~~shall provide any such record to the Agency upon request.

(Board Note: Owners or operators of facilities or units subject to this Part may also be subject to regulations under 8 Ill. Adm. Code 255).

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.624 Closure and Post-Closure Care

The owner or operator ~~must~~shall comply with the requirements of Subpart C.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART K: ROAD OIL STORAGE AND HANDLING UNITS

Section 615.702 Required Closure of Units Located Within Minimum Setback Zones

~~a) A~~ No person ~~must not~~~~shall~~ cause or allow the operation within a minimum setback zone of any road oil storage and handling unit after January 10, 1994. Closure of a road oil storage handling unit must be completed within three years.

~~b) Subsection (a) is effective two years after the effective date of this Part. Closure must be completed within three years after the effective date of this Part.~~

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.703 Groundwater Monitoring

The owner or operator ~~must~~~~shall~~ comply with the requirements of Subpart B.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.704 Design and Operating Requirements for Above-Ground Storage Tanks

a) The owner or operator ~~must~~~~shall~~ not cause or allow:

- 1) Materials to be placed in a tank if such materials could cause the tank to rupture, leak, corrode, or otherwise fail.
- 2) Uncovered tanks to be placed or operated so as to maintain less than 60 centimeters (2 feet) of freeboard unless:
 - A) The tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank); and
 - B) Such containment structure, drainage control system, or diversion structure has a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.
- 3) Material to be continuously fed into a tank, unless the tank is equipped with a means to stop this inflow (e.g., a feed cutoff system or a bypass system to a standby tank).
- 4) Incompatible materials to be placed in the same tank.

- 5) Material to be placed in a tank that previously held an incompatible material unless the incompatible material has been washed from the tank.
 - 6) Ignitable or reactive material to be placed in a tank unless:
 - A) The material is stored or treated in such a way that it is protected from any material or conditions that may cause it to ignite or react; or
 - B) The tank is used solely for emergencies.
- b) The owner or operator ~~must~~shall provide and maintain primary containment for the tank such that:
- 1) The tank has a minimum shell thickness that ensures that the tank will not fail (e.g., collapse or rupture~~i.e., collapse, rupture, etc.~~).
 - 2) The tank is compatible with the material to be placed in the tank or the tank is lined with a substance that is compatible with the material to be placed in the tank.
- c) The owner or operator ~~must~~shall provide and maintain secondary containment for the tank that:
- 1) Is capable of containing the volume of the largest tank or 10% of the total volume for all tanks, whichever is greater;
 - 2) Is constructed of material capable of containing a spill until cleanup occurs (e.g., concrete or clay). The base of the secondary containment area must be capable of minimizing vertical migration of a spill until cleanup occurs (e.g., concrete or clay);
 - 3) Has cover (e.g., crushed rock or vegetative growth) on earthen embankments sufficient to prevent erosion; and
 - 4) Isolates the tank from storm water drains and from combined storm water drains and sewer drains.
- d) If incompatible materials are handled at the site, the owner or operator must provide secondary containment sufficient to isolate the units containing the incompatible materials~~-must be provided.~~

- e) The owner or operator of a tank ~~must~~~~shall also~~:
- 1) Test above-ground tanks and associated piping every five years for structural integrity.
 - 2) Remove uncontaminated storm water runoff from the secondary containment area immediately after a precipitation event.
 - 3) Handle contaminated storm water runoff in ~~compliance~~~~accordance~~ with 35 Ill. Adm. Code 302.Subpart A.
 - 4) Provide a method for obtaining a sample from each tank.
 - 5) Install, maintain, and operate a material level indicator on each tank.
 - 6) When not in use, lock all ~~devices~~ (gauges and valves) that are used to inspect levels in the tank. All such devices must be located within the containment structure.
- f) This Section becomes applicable two years after the date of first applicability.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART L: DE-ICING AGENT STORAGE AND HANDLING UNITS

Section 615.722 Groundwater Monitoring

The owner or operator ~~must~~~~shall~~ comply with the requirements of Subpart B.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 615.723 Design and Operating Requirements

- a) Indoor facilities must comply with the following standards beginning two years after the date of first applicability:
- 1) The base of the facility must be constructed of materials capable of containing de-icing agents (~~e.g.i.e.~~, bituminous or concrete pad).
 - 2) The roof and walls of the facility must be constructed of materials capable of protecting the storage pile from precipitation and capable of preventing dissolved de-icing agents from entering into the adjacent soil, surface water, or groundwater. The walls of the facility must be constructed of

materials compatible with the de-icing agents to be placed in the facility.
Run-off from the roof must be diverted away from the loading pad.

3) All areas surrounding the storage pile, including ~~but not limited to~~ the loading pad, must be routinely inspected to determine whether any release of de-icing agents has occurred. Such areas ~~must~~shall be cleaned as necessary. Spilled de-icing agents must be placed back under the protective covering of the indoor storage pile. The storage pile must be reshaped as often as necessary to prevent leaching.

4) The integrity of the facility and loading pad must be maintained.

5) All areas surrounding the storage facility must be inspected daily to determine whether any release of de-icing agents has occurred. Spilled de-icing agents must be placed back into the storage facility.

b) Outdoor facilities or units must comply with the following standards beginning two years after the date of first applicability:

1) An impermeable membrane or cover must be placed over all storage piles to protect the piles from precipitation and surface water run-on. The membrane or cover must prevent runoff and leachate from being generated by the outdoor storage piles. The piles must be formed in a conical shape, covered, and stored on a paved pad capable of preventing leachate from entering adjacent soil, surface water, or groundwater.

2) Surface drainage must be directed to prevent flow through the base of the storage piles. De-icing agents must not be stored where drainage may enter into water supplies, farm lands, or streams.

3) All areas surrounding the storage piles must be cleaned and must be inspected daily to determine whether any release of de-icing agents has occurred. Spilled de-icing agents must be placed back under the protective covering of the outdoor storage piles. The storage piles must be reshaped as often as necessary to prevent leaching.

4) The storage piles must be designed and operated to control wind dispersal of the product by means other than wetting.

(Source: Amended at 47 Ill. Reg. _____, effective _____)